

Preliminary Amendment
Serial No.: 10/815,684
SUGHRUE MION, PLLC Ref: Q75533

REMARKS

Claims 1-41 are all the claims pending in the application.

With regard to the comments to the election with traverse, Applicant notes the argument that claim 1 is considered to relate merely to the intended use. Applicant respectfully disagrees because claim 1 specifically claims that the ballast condition of the wind turbine base is changed at said unloading condition.

The Examiner then raises the fresh ground that method claim 19 requires supply of ballast in the wind turbine base before being sailed out. As this is a fresh ground Applicant respectfully submits that it is improper to make the requirement FINAL. Thus, reconsideration of the restriction is respectfully requested.

In order to accommodate the Examiner, Applicant has amended claim 19 to replace the feature of supplying ballast to the wind turbine base before sailing out with the feature that a ballast condition of the wind turbine base is changed at said unloading position by supplying ballast to the wind turbine base. The currently amended claim 19 thus does not require a search separate from the search already carried out with respect to claim 1.

With respect to the claim rejection under 35 USC § 112 that claim 17 is indefinite, Applicant has amended claim 17 to overcome the objection. Thus, it is requested that this rejection be withdrawn.

With respect to the claim rejection under 35 USC § 102, claim 1 has been amended to positively claim a vessel for transporting wind turbines and at least one wind turbine base, so that claim 1 is clearly directed to the combination of the vessel and the wind turbine base having at

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least three lifting points to which the flexible lines of the vessel are connected to hold the base in the unloading condition, and in this unloading condition a ballast condition of the wind turbine base is changed.

Applicant thanks the Examiner for indicating that claims 9-16 would be allowable if rewritten in independent form including the limitation of the base claim and any intervening claim. Original claim 9 depended on claim 8 which depended on claim 1. Claim 9 has consequently been rewritten to include all limitations of claims 1 and 8. Claims 10 to 16 depend on claim 9, now allowable, and should also be allowable (in claim 13 the words “characterized in that” has been replaced by “wherein” in order to be consistent with the wording in the claims on which it depends).

Applicant further thanks the Examiner for indicating that 17 would be allowable if amended in the above-mentioned manner. Applicant has likewise amended claim 17.

With respect to the claim 1, Applicant respectfully submits that it now clearly claims the combination of the vessel and the wind turbine base, and moreover claims that the ballast condition of the wind turbine base is changed at said unloading position.

The cited EP ('829) does not disclose the combination of a vessel and a wind turbine base, but only discloses a vessel and submarine structures or top structures of a drilling platform, and these structures are very different from wind turbine bases. And the cited EP ('829) is completely silent on the issue of ballasting of the structure carried by the vessel.

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Apart from being limited to wind turbine bases, claim 1 is clearly directed to the new and inventive feature of changing the ballast condition of the wind turbine base at said unloading position.

Applicant therefore respectfully submits that claim 1, as amended, is directed to allowable subject matter. Claims 2-8 and 18 depend on claim 1 and therefore are also allowable by their dependencies therefrom.

As mentioned, claim 19 has been amended to correspond to claim 1 (or to claim 9 as allowable). Claim 19 specifically claims that a ballast condition of the wind turbine base is changed at said unloading position. Applicant respectfully submits that claim 19 is now in allowable form.

Claims 20-24 depend on claim 19 and should also be allowable.

New claim 42 correspond to previous claim 1 with the further limitation that the wind turbine base is divided into at least three chambers at least three of which act as ballast tanks, and the feature of changing the ballast condition of the wind turbine base at said unloading position is also included.

New claims 43-47 depend on claim 42 and relate to further details of the ballasting of the wind turbine base.


It is respectfully submitted that claims 1-47 are all in condition for allowance. It is therefore respectfully requested that the application be passed to issuance at the earliest possible convenience. If any points remain in issue which the Examiner feels may be best resolved

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through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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